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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,854	09/10/2003	Dong Kyu Lee	2060-3-58	5037
35884 7590 05/17/2010 LEE, HONG, DEGERMAN, KANG & WAIMEY 660 S. FIGUEROA STREET Suite 2300 LOS ANGELES, CA 90017				
EXAMINER AL AUBAIDI, RASHA S				
ART UNIT 2614		PAPER NUMBER		
NOTIFICATION DATE 05/17/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/659,854

Applicant(s)

LEE, DONG KYU

Examiner

RASHA S. AL AUBAIDI

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-11 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-11 and 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/11/2010 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Chung et al. (Pub. No.: 2003/0002476) in view of Greis (Pub. No.: 2004/0028034) and further in view of McClary (US PAT # 7,075,951).

Regarding claim 1, Chung teaches in an integrated internet phone call routing system a system and method directed to a call setup procedure for call being placed by phone-to-computer and/or computer-phone [see, 0005-0006, 0011 and 0028]. Chung

teaches the use of a gateway that designated to convert and translates protocols when placing calls from/to two different networks (i.e., VOIP and PSTN) [see 0025, 0031]. Chung also discuss that a terminal at a second network (PSTN) may transfer an alert signal (i.e., ring signal) in response to receiving a call connection from another party from the first network [see 0028, lines 64-67 and lines 1-2]. The claimed feature of "identifying a type of a network to which the second terminal requesting the call setup" is obvious if not inherent within the teachings of Chung (see for example, call setup between the two networks 0028).

Although the Examiner believes that the use of "ring back tone" is obvious and well known in the art of telephony. However, Chung does not specifically teach the use of "ring back tone" and does not specifically teach "generating the ring back tone data independently by the first terminal, if the type of the network is a public switched network" as recited in the claim's language.

Thus, the Examiner introduces Greis which teaches in a connection setup in a communication system, a ring back tone would be generated by the phone itself [0007]. This means the ring back tone would be generated without the help of any switching device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of generating a ring back tone by the phone itself and without any help of switching device, as taught by Greis, into the

Chung system in order to have a full control over the device phone and apply the ring back tone when needed without relaying on any other resources. This also can provide speed in call handling and processing. Advantageous of the ring back tone are old and well known in the art such as **informing and alerting** users at terminals upon establishing calls. Also, the system or an individual may specify or customize the generation of a ring back tone based on any criteria desired (such as, generating ring back tone if the network is PSTN). This limitation is considered a design choice that does not rise the invention to the level of patentability.

Claims 8-9 and 11 are rejected for the same reasons as discussed above with respect to claim 1. The claimed feature of "decision section for deciding whether to generate a ring back tone ...etc" as recited in claim 9, is extremely obvious. These kinds of decisions are made in seamless manner that requires no intervention from a user. The claimed "signal processor" as recited in claim 9, is inherent if not obvious. The Examiner reading the limitation of "transmitting the response message from the first terminal to the second terminal in response to the call set up" as the ring back tone that is send from one terminal to another , which is already taught and explained in Son. Also, the claimed limitation of "wherein the response message is transmitted to the port informed by the trunk gateway during the call setup" reads on the sending the ring back tone to the specified port on of the desired destination within the specified network which the Examiner believes it is an obvious limitation within the teachings of Son.

The combination of Chung and Greis does not specifically teach "storing the generated ring back tone data in a buffer" and does not specifically teach "wherein the ring back tone is inserted into the response message according to a first-in-first-out method".

However, McClary teaches in a method and apparatus for the operation of a storage unit in a network element a first-in-first-out data registers ("FIFOs") have been used to store and transmit data within portions of network elements (see col. 1, lines 45-58).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of using FIFO, as taught by McClary into the combination of Chung and Greis in order to deliver the ring back tone in an FIFO method to the desired destination. Again the use of a FIFO is an old limitation and well known in the art of telephony. Also, one of ordinary skill in the art may choose to store any type of information within a buffer (i.e., ring back tone). Again the Examiner believes that this is a design choice that will not rise the invention to the level of patentability.

Regarding claims 2 and 10, Chung teaches the use of real-time protocol [see 0029].

Regarding claims 4 and 13, Chung teaches providing appropriate voice tuning depending of the type of connection [see 0017].

Claims 5-6 and 14-15 limitation are obvious and well known in the art. One can obviously set any kind of identification parameters such as phone number, prefix, and type of the call, time or the day ...etc. see also discussion of Son col. 7, lines 65-67 and col. 8, lines 1-8.

Regarding claims 7 and 16, this can read on the user going off hook. Obviously when a user goes off hook and answers the call there is no more ring back tone generated.

Response to Arguments

3. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rasha S AL-Aubaidi/

Primary Examiner, Art Unit 2614